



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1644
)	
KALTOFT, et al.)	Examiner: BELYAVSKYI, M.
)	
Serial No.: 09/720,371)	Washington, D.C.
)	
Filed: April 30, 2001)	October 18, 2004
)	
For: METHODS OF EXPANDING AND)	Docket No.: KALTOFT=1
SELECTING DISEASE)	
ASSOCIATED T-CELLS)	Confirmation No.: 2534

REQUEST TO SUPPLEMENT OFFICE
ACTION AND RESET PERIOD FOR REPLY

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

S i r :

1. On June 9, 2004, Applicants filed an amendment after final rejection; it was denied entry by the July 19, 2004 advisory action.

2. On July 26, 2004, Applicants filed an RCE with a request to enter the June 9 amendment. This meant that the case was no longer under final action.

3. On September 21, 2004, Applicants filed a Supplemental Response. This was a first supplemental nonfinal response and thus, under the rules then effective, should have been entered and considered as a matter of right. 37 CFR 1.111(a)(2) limits entry only of a "second (or subsequent) supplemental reply", and the amendments to 37 CFR 1.111 published on September 21 are not effective until October 21.

4. The office action was mailed September 22, 2004, that is, the day after our supplemental response was filed. We of course do not fault the Examiner for failing to consider the supplemental response, knowing that it takes time to transfer papers from the mailroom to the Examiner, nonetheless it

USSN - 09/720,371

constitutes a defect in the office action. See 37 CFR 1.104 and MPEP 707.07. MPEP 714.05 under "Action Crosses Amendment", more particularly states

A supplemental action is usually necessary when an amendment is filed on or before the mailing date of the regular action but reaches the Technology Center later. The supplemental action should be promptly prepared. It need not reiterate all portions of the previous action that are still applicable but it should specify which portions are to be disregarded, pointing out that the period for reply runs from the mailing of the supplemental action. The action should be headed "Responsive to amendment of (date) and supplemental to the action mailed (date)".

5. Pursuant to MPEP 710.06, when an office action contains a defect, and this error is called to the attention of the Office within one month of the mail date of the action, "the office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant". Applicant so requests.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 

Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\ipc\g-i\HOFZ\Kaltoft 1\pto reqvacate.wpd